

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH JEROME WRIGHT,
Plaintiff,
v.
J. DAVIS, et al.,
Defendants.

Case No. 1:20-cv-00192-DAD-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR ISSUANCE OF A SUBPOENA DUCES
TECUM WITHOUT PREJUDICE

(ECF No. 28)

Plaintiff Keith Jerome Wright ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On February 11, 2021, Plaintiff filed an unsigned subpoena requesting production of documents from Kathleen Allison, Secretary of the California Department of Corrections and Rehabilitation. (ECF No. 28.) The subpoena requests several categories of documents relating to complaints, grievances, and investigations involving Defendants J. Davis and P. Garcia as well as various types of correctional officer training materials. (*Id.*) Plaintiff did not file a motion along with the subpoena.

The Court construes Plaintiff's filing as a request for issuance of a subpoena duces tecum and will deny the request without prejudice. First, although the Court has required the parties to make some disclosures in relation to the upcoming settlement conference (ECF No. 21), discovery has not yet opened in this case. *See* Fed. R. Civ. P. 26. Second, it is unclear how the information Plaintiff

Once discovery opens, Plaintiff should first request the information from Defendants. If Defendants object on the ground that they do not have possession, custody, or control of the information, Plaintiff may refile this motion, along with Defendants' objection. If Plaintiff refiles that motion, Plaintiff should also include an explanation of why the documents he seeks are relevant to the claims in his case.

IT IS SO ORDERED.

/s/ Eric P. Goss
UNITED STATES MAGISTRATE JUDGE